

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENSINGTON INTERNATIONAL LIMITED,

Plaintiff,

**V.**

SOCIÉTÉ NATIONALES DES PÉTROLES DU CONGO,  
BRUNO JEAN- RICHARD ITOUA,  
BNP PARIBAS S.A.,

**Defendants.**

05 Civ. 5101 (LAP)

DECLARATION OF  
DWIGHT A. HEALY

DWIGHT A. HEALY, makes the following declaration, pursuant to 28 U.S.C. §1746:

1. I am an attorney admitted to practice law before the courts of the State of New York and a member of the law firm of White & Case LLP, counsel for Defendant BNP Paribas, SA (“BNP-P”) in the above-referenced action. I submit this Declaration in support of BNP-P’s Motion to Dismiss the Complaint of Plaintiff Kensington International Limited (“Kensington”). I make this Declaration based upon my personal knowledge and information supplied to me by other attorneys at White & Case.

2. Attached hereto as Exhibit A is a true and correct copy of the Redacted Complaint in the above-referenced action, filed on May 27, 2005.

3. Attached hereto as Exhibit B are true and correct copies of various articles and other materials cited in footnote 2 of the accompanying Memorandum of Law in Support of BNP-P's Motion To Dismiss The Complaint.

3. Attached hereto as Exhibit C is a true and correct copy of the complaint filed by Kensington on August 13, 2003 in the action entitled Kensington International Ltd. v. BNP-Paribas S.A., No. 602569/03 (N.Y. Sup. Ct.) (the "State Action").

4. Attached hereto as Exhibit D is a true and correct copy of a judgment, dated December 20, 2002, entered in favor of Kensington in an action commenced by Kensington on October 14, 2002 against Congo in the High Court of Justice, Queens Bench, Commercial Court in London, England (the "London Action").

5. Attached hereto as Exhibit E is a true and correct copy of an Order, dated December 23, 2002, pursuant to which the court in the London Action entered a default judgment in favor of Kensington and awarded damages.

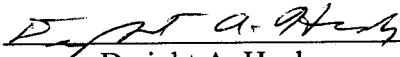
6. Attached hereto as Exhibit F is a true and correct copy of a subsequent judgment, dated April 16, 2003, pursuant to which the court in the London Action denied Kensington's request for injunctive relief.

8. Attached hereto as Exhibit G is a true and correct copy of the January 11, 2005, decision by the Supreme Court of the State of New York granting BNP-P's motion to dismiss the State Action on the ground of *forum non conveniens*. Kensington did not appeal the January 11, 2005 decision.

9. Attached hereto as Exhibit H is a true and correct copy of the International Monetary Fund Country Report No. 04/232 (Staff Report for the 2004 Article IV Consultation and a New Staff-Monitored Program for the Republic of Congo, dated May 12, 2004).

10. I declare under the penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: New York, New York  
August 8, 2005

  
Dwight A. Healy